

REMARKS

This is in response to the Office Action of December 15, 2008. In that action all pending claims 99-163 are rejected. This amendment cancels claims 99-163 and added new claims 164-221. Of the new claims, claims 164, 170, 176, 182, 188, 194, 196, 201, 206, 211, 216 and 221 are independent. An IDS and RCE accompany this amendment.

Applicant believes that the support for the majority of recitations in these claims will be apparent to the extent the same recitations have been asserted throughout the prosecution of this application. Claim 164, however, includes a recitation that did not previously appear in the claims. More particularly, claim 164 recites in part “transmitting the selected function code, without further addressing, along with user identification information, the user identification information comprising wireless device identification information, to a central processing unit”.

The support for the transmission of a function code along with user identification information has been a component of the claimed subject matter throughout this prosecution and no further discussion of the support for this portion of the recitation is believe necessary. The quoted recitation also specifies that the transmission of the function code occurs “without further addressing”. The application describes several examples of the interaction between a user’s communication device (such as a cell phone) and the network. In particular, the drawings provide a detailed flowchart of the interaction for several examples comprising different transactions, see figures in 1b through 1e, 2b and 3b through 3f. While each of these flow charts illustrate the function code being transmitted from the user communication equipment, there is no indication in any flow chart of any further addressing for those particular communications. The specification reveals that the function code identifies the transaction and no further addressing of the message or subsequent messages is employed or necessary. In some cases, as described in the application the protocol involves prompting the user for payee identification and in some cases that payee identification might be a telephone number. However, in each of those examples the telephone number is used for identification and not for addressing.

The other independent claims include a similar or related recitation. Applicant asserts each of these claims is supported in the same fashion as is claim 164.

Applicant submits that newly submitted claims 164- 221 clearly and patentably define over the art cited in the accompanied Information Disclosure Statement. At the very least in the cited art each payment transaction is initiated by the user dialing the telephone number of a bank e.g. the message to the bank is addressed. The advantages of this invention over that procedure described in the reference should be apparent.

In addition to the foregoing distinction, some of the claims presented herein indicate that a transaction involves a default amount. There are other claims which specify that the determined destination account is determined based on the function code. The cited reference does not describe any of this subject matter or any similar subject matter.

In view of the above early and favorable action is solicited.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

A three-month extension of time fee is due with this response. The Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 22-0185, under Order No. 05525-00003-US from which the undersigned is authorized to draw.

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Respectfully submitted,

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